

WASHINGTON METROPOLITAN AREA TRANSIT COMMISSION

WASHINGTON, DC

ORDER NO. 6179

IN THE MATTER OF:

Served April 9, 2001

Investigation of Unauthorized)
Transfer of Assets and Operations)
of ERNEST T. GIVENS, Trading as)
A-TOTAL TRANSPORTATION SERVICE,)
WMATC No. 425, to A-TOTAL)
TRANSPORTATION SERVICE, INC.)

Case No. MP-2001-30

Certificate of Authority No. 425 has been held by Ernest T. Givens, a sole proprietor trading as A-Total Transportation Service, since March 19, 1998. Mr. Givens' annual report for the year 2000 has been filed in the name of A-Total Transportation Service, Inc. (ATTSI). Attached to the report are copies of vehicle registrations in ATTSI's name. Unofficial records obtained by the Commission indicate that ATTSI is a Maryland corporation formed on November 13, 2000, and that Mr. Givens is its registered agent. It thus appears that Mr. Givens has transferred his vehicles and operations to ATTSI.

Under the Compact, Commission approval must be obtained to transfer a WMATC carrier's assets or operations to another carrier that operates in the Metropolitan District.¹ A person other than the person to whom an operating authority is issued by the Commission may not lease, rent, or otherwise use that operating authority.²

The Commission may investigate whether a person has violated the Compact and for the purpose of an investigation "may administer oaths and affirmations, subpoena witnesses, compel their attendance, take evidence, and require the production of books, papers, correspondence, memoranda, contracts, agreements, or other records or evidence which the Commission considers relevant to the inquiry."³ In addition, the Commission "shall have access at all times to the accounts, records, memoranda, lands, buildings, and equipment of any carrier for inspection purposes."⁴

If the Commission finds a person has violated the Compact, the Commission shall issue an order compelling compliance and effecting other just and reasonable relief.⁵ A person who knowingly and willfully violates a provision of the Compact is subject to a civil forfeiture of not more than \$1,000 for the first violation and not

¹ Compact, tit. II, art. XII, § 3.

² Compact, tit. II, art. XI, § 11(b).

³ Compact, tit. II, art. XIII, § 1(c), (e).

⁴ Compact, tit. II, art. XII, § 1 (b).

⁵ Compact, tit. II, art. XIII, § 1(d).

more than \$5,000 for each subsequent violation.⁶ Each day of the violation counts as a separate violation.

We shall direct respondents to produce any and all books, papers, correspondence, memoranda, contracts, agreements, and other records and documents, in their possession, custody or control relating to transportation of passengers for hire between points in the Metropolitan District during the period beginning November 13, 2000, and ending on the date of this order.

THEREFORE, IT IS ORDERED:

1. That an investigation of respondents and their operations in the Washington Metropolitan Area Transit District is hereby initiated under Article XIII, Section 1, of the Compact.

2. That ATTSI is hereby directed to refrain from, and/or cease and desist from, transporting passengers for hire between points in the Metropolitan District unless and until otherwise ordered by the Commission.

3. That respondents are hereby directed to produce, within thirty days of the date of this order, any and all books, papers, correspondence, memoranda, contracts, agreements, and other records and documents, including any and all stored electronically, that are within respondents' individual or joint possession, custody or control and which relate to the transportation of passengers for hire between points in the Metropolitan District during the period beginning November 13, 2000, and ending on the date of this order, including, but not limited to:

- a. any and all customer invoices;
- b. any and all invoices from other carriers;
- c. any and all bank records; and
- d. any and all tax returns;

4. That ATTSI is hereby directed to file any and all documents relating to its corporate status, including, but not limited to, a current list of officers, directors and shareholders.

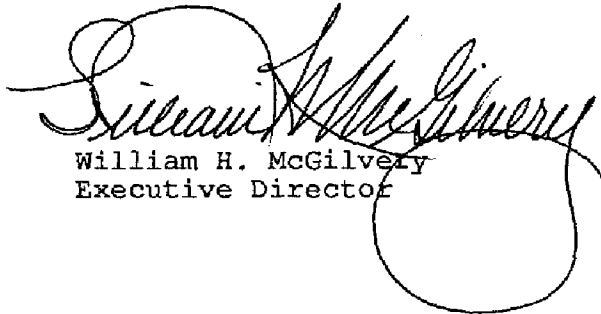
5. That Certificate of Authority No. 425 shall be automatically suspended upon either respondent's failure to timely respond to this order.

⁶ Compact, tit. II, art. XIII, § 6(f).

⁷ Compact, tit. II, art. XIII, § 6(f).

6. That in the event Certificate of Authority No. 425 is suspended pursuant to the preceding paragraph, Ernest T. Givens shall have thirty days thereafter to show cause why Certificate of Authority No. 425 should not be revoked for failure to comply with the requirements of this order.

BY DIRECTION OF THE COMMISSION; COMMISSIONERS ALEXANDER, LIGON, AND MILLER;



William H. McGilver
Executive Director

